

A rigid, rectangular foam board is of a size to be received on a face of a concrete masonry unit. A plastic sheet is laminated to the rigid foam board and is engageable by the test apparatus, in use, with the rigid foam board engaging the face of the concrete masonry unit to provide even load distribution during testing.

The references, alone and in any proper combination, do not disclose or suggest an unbonded capping system including a plastic sheet laminated to a rigid board being engageable by a test apparatus, in use, with the rigid foam board engaging the face of the concrete masonry unit to provide even load distribution during testing. Indeed, the combination of the references is improper.

Hadley et al. is directed to a compression testing machine including platens for testing concrete blocks. Hadley et al. does not disclose or suggest any material disposed between the platens and the concrete block. Peacock et al. discloses end caps used in compression testing of cylinders including elastomeric pads to be received in the end caps. The elastomeric pad is neither a rigid foam board or a plastic sheet. Paragraph 6 of the action suggests that the elastomeric pad of Peacock et al. is expanded polystyrene foam. There is no basis for any such inference in Peacock et al. An elastomeric pad is not polystyrene foam. More particularly, it is not a rigid foam board, as specified in the claims. Thus, the combination of Peacock et al. and Hadley et al. comprises the use of a platen with an elastomeric pad.

Long, Sr. et al. does not disclose the deficiencies noted above. Long, Sr. et al. discloses an insulation layer embedded in a concrete wall including plastic foam between thermoplastic films. This structure is used for insulating concrete walls. It is not used for strength

testing of anything, let alone concrete masonry units. It is not used for providing even load distribution during testing.

Paragraph 10 of the action indicates that the three references are in the same field of endeavor because it is well known that concrete is used in the building construction. Applicant disagrees. Admittedly, Hadley et al. and Peacock et al. are in the same field of endeavor. Long, Sr. et al. is not. It is in the field of insulation. The field of insulation for a concrete wall is not analogous to a compression testing apparatus. Moreover, in Long, Sr. et al., the foam never makes contact with the concrete. The claims require that the rigid foam board engage the face of the concrete masonry unit to provide even load distribution during testing. Also, Peacock et al. stresses the use of an elastomeric material. As such, there is no basis for the conclusion that plastic foam board and plastic film could be substituted for an elastomeric pad.

Because the references are not in the same field of endeavor and are not properly combinable, the obviousness rejection is improper and claim 1 should be allowed, as should dependent claims 2-6.

Independent claim 7 specifies an improvement in a testing system comprising a pair of compression pads each comprising a rigid, rectangular foam board and a plastic sheet laminated to the rigid foam board. Claim 7 and its dependent claims 8-12 are not obvious for the same reasons discussed above relative to claim 1.

Independent claim 13 specifies an improvement in a capping system for compression testing of CMU's including a pair of laminated compression pads. Each compression pad comprises a rigid, rectangular foam layer and a plastic sheet layer laminated to the rigid foam layer. Claim 13


and its dependent claims 14-18 are believed allowable for the same reasons discussed above relative to claim 1.

Independent claim 19 specifies an unbonded capping system comprising a pair of laminated compression pads each comprising a high density expanded polystyrene foam layer and a plastic sheet layer. Claim 19 and its dependent claims 20 and 21 are believed allowable for the same reasons discussed above relative to claim 1.

Reconsideration of the application and allowance and passage to issue are requested.

Respectfully submitted,

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